

REMARKS/ARGUMENTS

This response is timely filed as it is filed within the three (3) month shortened statutory period for response to the outstanding Office Action.

Interview Summary

As a preliminary matter, the undersigned wishes to thank
5 Examiner Felton for the many courtesies extended during the above-identified telephonic interview. Matters discussed in that interview included:

1. the Office Action allegation that the application discloses that the “claimed compounds are formed upon the combination of 5-aminotetrazole and basic copper or zinc nitrate”;
- 10 2. the Office Action allegation that U.S. Patent 6,517,647 to Yamato (hereinafter “Yamato”) and U.S. Patent 6,143,102 to Mendenhall et al. (hereinafter “Mendenhall”) disclose gas generating compositions that include compounds that form the “claimed compounds”;
- 15 3. that the application paragraph at page 14, lines 3-7 had previously been corrected to refer to “copper hydroxide”, consistent with referenced reaction shown on page 12 of the specification;
4. Examiner Felton indicated that this earlier correction to page 14 of the application had apparently not been entered into the application on file at the

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USPTO but that she would make sure that the correction to the application text was appropriately entered; and

5. the Declaration of Dr. Ivan V. Mendenhall, mailed on 20 June 2007, sets forth distinctions and differences, as evidenced by test results, between the metal aminotetrazole hydroxide of the invention and the materials of both Yamato and Mendenhall, respectively.

Agreement was believed reached that the application, as previously corrected, and the claims under consideration define over the prior art of record.

Election/Restrictions

Claims 52, 53, 60, 67 and 68 have been withdrawn as drawn to earlier nonelected species.

Claims 39-71 remain in the application with claims 52, 53, 60, 67 and 68 presently withdrawn from consideration as drawn to previously nonelected species.

Claims Rejection - 35 U.S.C. § 102/103

1. **Claims 39-51, 54-59, 61-66 and 69-71 were rejected under 35 U.S.C. §102(e) as being anticipated by or alternatively under 35 U.S.C. §103(a) as obvious over Yamato.**
2. **Claims 39-51, 54-59, 61-66 and 69-71 were rejected under 35 U.S.C. §102(b) as being anticipated by Mendenhall.**
3. **Claims 39-51, 54-59, 61-66 and 69-71 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yamato in view of Mendenhall.**

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In view of the telephone interview identified and described above, neither Yamato and/or Mendenhall, alone or in combination, show or suggest **metal aminotetrazole hydroxides or copper aminotetrazole hydroxide having an empirical formula of $\text{Cu}(\text{CH}_2\text{N}_3)\text{OH}$** , let alone the addition or inclusion thereof to
5 or in a gas generant formulation, as required by the claimed invention and such that after such addition or inclusion the gas generant formulation has an increased burn rate as compared to the gas generant formulation prior to the addition.

In view of the above, the rejections of claims 39-51, 54-59, 61-66 and 69-71 are overcome or otherwise not appropriate and formal notification to that effect
10 is requested.

Withdrawn Claims

Withdrawn claims 52, 53 and 60 are dependent, directly or indirectly on claim 39 and withdrawn claims 67 and 68 are dependent, directly or indirectly on claim 62. As indicated above, claims 39 and 62 are believed allowable over the prior
15 art of record. Further, claims 39 and 62 are believed to be generic such that upon the allowance of these claims, Applicants are entitled to consideration of those claims to additional species which are written in dependent form. In view thereof, previously withdrawn claims 52, 53, 60, 67 and 68 are also believed to be in condition for allowance and notification to that effect is solicited.

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Conclusion

In view of the above, all pending claims are believed to be in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of the application.

Respectfully submitted,



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